MOVING ON

A Practical Guide for Women Leaving a Relationship

PEI Advisory Council on the Status of Women

About the Advisory Council...

The PEI Advisory Council on the Status of Women is a provincial government advisory agency dedicated to achieving equality and to supporting women's full and active participation in social, legal, cultural, economic and political spheres of life. To work toward this goal, the Advisory Council engages in a wide variety of activities that help the Council monitor issues of concern to women and develop public awareness about issues affecting the status of women.

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For additional copies of *Moving On* contact:

PEI Advisory Council on the Status of Women
Box 2000, Charlottetown
Prince Edward Island C1A 7N8
Phone: 902 368-4510
E-mail: peiacsw@isn.net
Web site: www.gov.pe.ca/acsw

Moving On is available in PDF format on the Council's web site www.gov.pe.ca/acsw

Acknowledgements/Thank You

Moving On is the result of the combined efforts of numerous people. The PEI Advisory Council on the Status of Women wishes to acknowledge their work, expertise, and support. We especially wish to thank:

Lisa Murphy for her vision to create this booklet.

Kathy Kaufield for the original research and writing with input from Ellen Reynolds. Ellen Reynolds for additional research, editing and layout for the updated 2007 edition of the booklet.

Julie Devon Dodd for additional research and writing and making this booklet a reality.

Karen Gallant for her original graphics. Becky Tramley for her editing expertise.

We are also grateful for valuable feedback from Income Support, Family Court Counsellors, Community Legal Information Association (CLIA), Legal Aid, Women's Network PEI, and the community through ACSW Council members.

And a final thank you to all the women who shared their personal stories to guide this work.

December 2001
Reprinted December 2003
Reprinted with revisions December 2007

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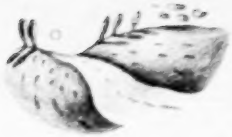


Introduction

If you are thinking about ending a marriage or common-law relationship, or if you are in the process of leaving, this booklet is for you. This booklet contains practical, no-nonsense information on everything from finding a place to live and hiring a lawyer to protecting your finances and planning your moving day.

Ending a marriage or common-law relationship will be one of the hardest and most stressful times in your life. You may have already decided that you want to leave a relationship or you may be forced to leave because of another person's choice. You may feel scared and helpless or you may feel relieved or excited. You will have many important decisions to make about your future and you may face situations that you have never faced before.

No booklet can cover every situation or answer every question, but this one will give you basic information about your rights. It will guide you and give you the information to make the decisions that are best for you and that help prepare and protect you as you leave the marriage or relationship.

The information in this booklet applies to both same-sex and opposite-sex relationships. Any differences in the current laws are explained in the relevant sections.

This booklet can help you plan your separation before you actually leave, so that you are better protected financially, legally and emotionally. Leaving a marriage or common-law relationship is not a step-by-step process, but some planning will help you along the way.

This booklet discusses several things that women can do to help themselves:

- Get emotional support
- Know your rights
- Make decisions about the children
- Handle your finances
- Find a place to live
- Plan your moving day
- Protect yourself

This booklet will give you basic information about your rights during separation and divorce. It is for general information purposes only and does not replace legal advice. Every woman's situation is different. How the law affects you depends on the facts of your situation and any changes in law. For legal advice you should consult a lawyer.

In the end, you are the only one who can decide what is best for you. Whatever you choose to do, believe in yourself. You are the expert on your own experience.

If your partner is violent and abuses you physically or emotionally, *or hurts the children, the most important thing to do is to leave and get to a safe place. The abuse will not stop without some action. You have a right to live free from violence. Call Anderson House in Charlottetown at 892-0960 or toll-free at 1-800-240-9894 to get support and information. See the information beginning on page 49, if you are living in an abusive relationship.*

The Decision to Leave

Leaving a spouse or partner is one of the most stressful events you will face in your life. You may feel scared, anxious, angry, worried, guilty, confused, relieved, excited or unhappy. Whatever you are feeling, these are real emotions. It is just as important to deal with the emotional impact of leaving a relationship as it is to handle the legal and economic outcomes.

Get Emotional Support

"Being divorced is like being hit by a Mack truck."
– from the play *Mary, Mary* by Jean Kerr, 1960.

Support of family and friends is important. When you are deciding about or leaving a relationship, family and friends may try to convince you to stay, or they may take sides. It is important that you have support from someone you trust, and who will support you to consider your choices and make your own decisions. If you don't have support from a trusted friend, you can go to a counsellor.

Although you may feel nervous or embarrassed to see a counsellor, a counsellor is trained to understand feelings and to help you sort things out. A counsellor won't tell you what to do. A counsellor will listen and help you to make the decisions which are right for you. A counsellor can also help you to prepare for talking with your children and your spouse about separation.

The decisions you make now could affect you for years to come. Talking with a counsellor will help ensure that you have the information and support you need to carefully consider all your options and make choices which are best for you.

Counselling is confidential. The counsellor will not tell anyone about your talks without your agreement, except when a

counsellor worries that a child is at risk of being hurt.

There are several places you can go for counselling; some are free, and others charge reasonable fees based on what you can afford. Here are some options:

Community Mental Health is a government service which offers short-term, individual counselling and some group programs. There is no charge for the service.

Community Mental Health services are for people who feel anxious about their situation and the stress is affecting their day-to-day life. Community Mental Health is not for people who would like counselling for "self-improvement."

In most cases, however, someone planning to leave a relationship would be experiencing anxiety and would qualify for Community Mental Health assistance, so don't be afraid to call.

Community Mental Health offices:

Charlottetown	368-4430
Summerside	888-8180
Montague	838-0782
Souris	687-7110
Alberton	853-8670

You may have to wait from one to three weeks for an appointment, depending on the availability of counsellors. Emergency psychological counselling is available from a local hospital psychiatrist, if necessary. And if you are in a situation where you or your children might be hurt, you will get an appointment sooner (see page 55 about abusive relationships). When you call to make an appointment, be prepared to briefly explain your situation over the phone.

Community Mental Health staff can also provide you with the names of private counsellors and other community agencies.

Community Agencies have counsellors who are trained to help you solve problems

and make decisions. The fees for personal counselling are usually a sliding scale, depending on your income and expenses. Sessions can cost anywhere between $15 and $120, depending on what you can afford. Be sure to ask about fees and ask if there is a waiting list when you call to make an appointment.

Catholic Family Services	894-3515
Family Service PEI, Ch'town	892-2441
Family Service PEI, S'side	436-9171

The names of private counsellors and other community agencies are listed in the yellow pages of the phone book under Social Service Agencies and Social Workers.

Women in violent or potentially violent relationships *have special needs and special decisions to make regarding their safety when planning to leave a relationship. In addition to any counselling you receive, you may want to contact Anderson House, a shelter and crisis line for women and their children who have been physically or emotionally abused or who live in fear of abuse. You don't have to go to Anderson House, but can call the crisis line 24 hours a day. Anderson House provides a safe home and information and support specifically designed to help women in abusive relationships. Anderson House is staffed 24 hours a day by trained women who respect your privacy and your choices. Through Anderson House, you also have the chance to meet other women in similar situations.*

Know Your Rights

When you are thinking about leaving a relationship, you will have lots of questions. What about the children? Who will live in the house? Does my spouse have to help support the children financially? Who will get to use the car? What are my rights leaving a same-sex relationship?

Learning about your basic rights will help you to make decisions about your future. Having information about your rights will mean that you won't make decisions based on fear or threats and you won't bargain away your rights for safety reasons.

Only a lawyer can properly advise you about the specifics of your case, but learning about your basic rights will help you to know what questions to ask to get the advice you need.

Community Legal Information Association (CLIA) can provide information over the phone or in person. They have a resource room containing books and pamphlets on legal issues in the Charlottetown office. CLIA does not give advice, but can provide you with basic information about your rights and the law.

For more information, call Community Legal Information Association of PEI (CLIA) in Charlottetown at 892-0853 or toll free at 1-800-240-9798 or visit their web site at www.isn.net/cliapei

Marriage Versus Common-law Relationships

Women who are married have different rights than women in common-law relationships.

Marriage is a legal contract entered into by two people. This includes same-sex couples who are now legally allowed to marry. A legal marriage ceremony is performed by a priest, minister, justice of the peace or someone licensed to perform marriages. To end a marriage, you must get a legal divorce or an annulment.

Married partners have a legal responsibility to support each other while they are living together. When separating, a woman who does not have her own income may be eligible for spousal support. Married women may also be eligible for child support for children who live with them. Married women are entitled to 50 per cent of all the assets obtained by the couple during the marriage.

Common-law relationships begin when two people decide to move in together as sexual partners. There is no legal ceremony. You can end a common-law relationship simply by moving out. No formal legal procedures are needed, unless you have children.

If you have children, you will need a legal custody agreement and child support plans. You may be eligible for child support if you and your partner have children together and the children live with you more than 60 per cent of the time.

Common-law spouses are not legally required to support each other while they are living together. Spousal support and a 50 per cent division of property are not covered by law for women in common-law relationships, unless you have a co-habitation agreement that includes division of property. Women without a co-habitation agreement may receive support and a fair division of property if they hire a lawyer and go to court.

Usually, when a common-law relationship breaks up, the partner who paid for the item and has proof of purchase is the person entitled to that item or property. It is important to make sure your name is listed as part owner of major items, such as a house or car.

For federal tax purposes, you should inform Canada Revenue Agency of your separation (after 90 days) by completing a Marital Status Change form or by sending a letter to your local tax office. This applies if you were married or in a common-law relationship.

Canada Revenue Agency 1-800-959-8281
TTY (Teletypewriter) 1-800-665-0354

Same-sex Relationships

In PEI, as in the rest of Canada, same-sex couples are now legally permitted to marry. However, at the time of printing this booklet, there are areas of the law in PEI where a "spouse" is still defined as someone of the opposite sex. This means that same-sex spouses do not have the same rights under these laws as opposite-sex couples do.

With changing laws, it is important to get legal advice to ensure your rights. For up-to-date information about your rights and responsibilities when leaving a same-sex marriage or common-law relationship, contact Community Legal Information Association (CLIA) or visit their web site at www.isn.net/cliapei

Living Arrangements for Children

You have the legal right to take your children when you leave. But so does the other parent. You cannot take the children out of the province without the other parent's consent. You and the children's other parent may decide, on your own or through a mediator or lawyer, where the children will live. If you and the children's other parent can't agree on living arrangements for the children, the courts will decide, but that may take some time.

If you don't take your children when you leave, you will not lose your custody rights. In the past, if you didn't take your children with you, it could be harder to gain custody later, but these attitudes are changing. Unless there is a reason why it will not work, courts are favouring shared parenting where the children spend time living with each parent.

If you do not take the children when you leave, and you have any concerns about the children's safety, talk to a counsellor at Child and Family Services.

Child and Family Services:

Charlottetown	368-5330
Summerside	888-8100
Montague	838-0724
Souris	687-7063
O'Leary	859-8811

Positive Parenting from Two Homes is a provincial government program offered free of charge to families going through separation and divorce. There is a program for parents and a separate program for children and they are offered in various regions. To register call 368-4333 in Charlottetown or toll-free 1-877-203-8828.

Child Support

Both parents must contribute to the costs of raising their children. If the children are with you more than 60 per cent of the time, the other parent has an obligation to provide child support. Women in common-law relationships do not have many of the rights that legally married women do, but in terms of child custody and support, children of a common-law relationship are treated the same as children of legally married couples.

In most cases, the amount of child support will be set by the courts based on Child Support Guidelines. The amount of child support money you receive depends on the number of children, the income of both parents, where you live, any special circumstances and the type of arrangements you and their other parent have about the children. It is a good idea to get help from a lawyer or mediator to arrange child support.

It could take several weeks or months before you start receiving child support. In some cases, the other parent may refuse to pay any money at all, but is legally required to do so. There are legal ways to ensure payment through Maintenance Enforcement. The Child Support Guidelines Office provides information about the guidelines and assists in applying to the courts for child support.

Child Support Guidelines Office:
Charlottetown 368-6220
Summerside 888-8188

Spousal Support

When you leave a relationship, you are expected to be able to support yourself financially. If you are not able to support yourself, you may be entitled to financial support from your spouse or partner. You have a right to claim spousal support if you were legally married or in a common-law relationship for three years or more.

Spousal support is not the same as child support. It is usually a temporary arrangement until you can support yourself, unless there are reasons such as your health, for example. People who are separating from a legal marriage do not have an automatic right to receive spousal support.

The amount of money you receive may be decided by you and your partner, but in many cases, it will be decided by the courts. This could take several weeks or months. The amount of money you receive depends on many factors, such as the length of time you and your spouse were together and your spouse's ability to pay.

Spousal support is one of the most unpredictable issues when couples separate, so don't count on it. It is best to discuss the issue with a lawyer.

Spousal Support Guidelines Info:
Justice Canada web site: www.justice.gc.ca
Family Law Info Line 1-888-373-2222

Division of Assets

Women who are legally married are entitled to 50 per cent of the family assets acquired during the marriage. Assets include money in the bank, homes, furniture, cars, life insurance, cottages, pensions, or RRSPs. Every case is different and there are exceptions such as inheritances, which in some cases may not be split.

Legally married couples are jointly respon-

sible for debts acquired during the marriage.

Business assets are not automatically split 50/50, unless the business is jointly owned by both spouses. You may already have a legal agreement about the division of the business. If not, you must demonstrate in court your right to a share of your spouse's business. Likewise, your spouse must demonstrate the right to a share in your business.

It will take several weeks or months to decide who gets what or how the assets will be divided. You and your spouse may decide how you want things divided, or if you can't agree on your own or with the help of a mediator or lawyer, the courts will decide for you.

Property laws are different for common-law relationships. You are not legally entitled to 50 per cent of everything acquired during the relationship. Each person is entitled to items for which they can show proof of purchase. It is important to keep receipts for large items like a television or furniture and to have your name added as co-owner of items such as a house or car. If you are in a common-law relationship, it is important to get legal advice about division of assets.

Aboriginal Women's Property Rights

For Aboriginal women living on reserves, your property rights during separation and divorce are not fully protected by law. This means that women living on reserves may be left with little or nothing after a divorce. This is also the case for women living temporarily off reserve, but whose family home and property are on a reserve.

For Aboriginal women living off reserve, your property rights during separation and divorce are the same as for non-Aboriginal women described in this booklet. At the time of printing this booklet, there were proposed changes to federal laws about Marital Real Property for women living on reserves.

For up-to-date information about your property rights during separation or divorce, contact the Aboriginal Women's Association of PEI or the Native Women's Association of Canada who are working with the federal government to change the laws and to address other related problems for Aboriginal women living on reserves.

Aboriginal Women's Association of PEI:
Charlottetown 892-0928
Lennox Island 831-3059
Native Women's Association of Canada:
Toll free 1-800-461-4043

Dividing Pensions

Dividing pensions can be complicated, but you have some basic rights.

Federal Canada Pension Plan (CPP)

You are entitled to split your partner's Canada Pension (CPP) which was earned during the time you were married or living together. In common-law relationships, a couple must have been living together for at least one year to qualify. And you must have been separated one full year before you can apply for a pension split.

You are eligible to split the pension even if you have never held a job outside the home and didn't contribute directly to the pension. You should contact the Income Securities Programs office to be sure that your share of your partner's pension "credits" are put in your name for you to use when you become eligible for pension benefits.

Whether you are legally married or in a common-law relationship, once you have been separated for one year, you may then apply. If you are in a common-law relationship, you have three years to apply after being separated one year. There is no time limit for applying for women who are, or were, legally married

For information about splitting the CPP, call **Income Securities Programs:**
Toll free at 1-800-277-9914
TTY at 1-800-255-4786

If you are a senior it is important to contact the Income Securities Office right away to find out about your rights and eligibility for Old Age Security benefits. As soon as you have separated, call to tell them of your new status.

Other Pensions

Married women are entitled to 50 per cent of the value of their spouse's other pensions, such as government or teacher's pension, or pensions from private companies. Women in common-law relationships may be eligible to split their partner's other pensions, depending on the regulations of the pension plan.

As a general rule, you may receive half of the value of the pension through division of assets, either as a cash settlement or through a share of other assets. Don't count on any pension money right away.

For more information on your rights talk to a lawyer or contact Community Legal Information Association of PEI (CLIA) in Charlottetown at 892-0853 or toll free at 1-800-240-9798 or visit their web site www.isn.net/cliapei

You have legal rights. Don't give up any of your rights without careful consideration. If at all possible, avoid making any important decisions during times of crisis. In some cases, women give up their rights to property, money or sometimes even children for the sake of keeping the peace or for safety reasons. If you do give up your rights, you may regret it in the future.

Get Advice from a Lawyer

The best way to protect your rights is to get advice from a lawyer. Even though you have some general knowledge of your rights, separation, divorce or ending a common-law relationship involves a lot of legal issues. If you discuss your situation with a lawyer before you leave the relationship, the lawyer will help to ensure that you are protected both legally and financially. You and your spouse cannot have the same lawyer when you are separating.

If you don't know a lawyer, look in the yellow pages under "lawyers" or ask a friend to recommend one. Before booking an appointment, be sure to ask if the lawyer has family law experience and what the lawyer charges. Also ask if there is a charge for your first visit.

Once you have made an appointment to see a lawyer, it is a good idea to prepare for the meeting. Prepare by writing down information the lawyer will want and questions you would like to ask during the meeting.

To prepare for the meeting get a copy of your marriage certificate and write down information about your family:

- When you and your partner got together
- When you married or started living together
- All the names of people living in your immediate family and their dates of birth
- Patterns of child care (who took care of the children)
- History of violence or abuse
- Financial status for you and your spouse

- If you are separated, any issues or problems around visits (keep a journal to keep track of visits and make comments about what was positive or any problems)
- Your spouse's mother's maiden name
- Your spouse's social insurance number (SIN)
- Length of time you have lived in PEI

Here are some questions you may want to discuss with the lawyer during the first visit:

- What are my options for how to proceed?
- Through court?
- Not through court?
- Is mediation a possibility for me?
- What other information do you need from me?
- What is the process - where do we go from here?
- How long might it take?
- How can I prepare and protect myself in the early stages of separation?
- What about custody and access to the children?
- What should I expect in terms of access my spouse might get?
- What about maintenance and child support?
- What about property rights?
- In my situation what should I expect?
- What are your fees?
- How much will it cost?
- How can I pay you?

Be sure to bring to this meeting as much information about your situation as possible, including documents about finances, debts, assets, and any existing legal agreements.

Worksheets to help you to prepare for this meeting are provided at the end of the booklet.

If you can't afford a lawyer, you do have some options: Lawyer Referral Service for a first meeting and Legal Aid.

Lawyer Referral Service

You can have a 30-minute meeting with a lawyer for approximately $10 plus GST and PST. The service, provided through Community Legal Information Association with support from the PEI Law Society, is available to anyone. They will provide you with the name of a lawyer who will give you preliminary advice on your situation and will tell you about your rights and how to protect yourself. The service provides you with the names of two lawyers, but if you aren't happy with the lawyers you are referred to, the service can recommend another.

Further meetings with a lawyer will probably be necessary, but the 30-minute meeting should give you enough information to make knowledgeable decisions about the next steps. Make sure you prepare for the meeting to get the most out of it.

Lawyer Referral Service in Charlottetown at 892-0853 or toll-free at 1-800-240-9798.

Options If You Can't Afford a Lawyer

Legal Aid

Legal Aid is a government program that provides legal services for low income families who cannot afford to hire a lawyer themselves. Legal aid used to be provided for family law only in cases involving violence. In 2004, the Legal Aid program in PEI changed. Families experiencing violence are still the first priority; however, it is now possible to qualify for family legal aid when violence is not a factor.

For low income families, in certain cases, family legal aid now covers child custody agreements and child support or visitation agreements. Depending on the situation, and as long as children are involved, legal aid may also cover other legal issues related to separation agreements or divorce. It's best to contact Legal Aid to discuss your situation.

PEI Legal Aid also provides services in child protection cases. If you must go to court because Child and Family Services wants to take your children into its care, PEI Legal Aid may provide a lawyer.

To find out if you are eligible for family legal aid, call the **Legal Aid Office:**

Charlottetown 368-6043
Summerside 888-8219

Gather Important Documents

In order to proceed with a formal separation or divorce or to get child support, you will need proof of income, debts, and assets for you and your spouse. You will also need other important documents such as your marriage license and children's birth certificates.

It is a good idea to gather this information before you leave because it may be hard to get after you leave, especially if your spouse is upset.

If you are afraid of your spouse's reaction to your leaving, you may prefer not to tell your spouse what you are doing. Every situation is different and the decision is up to you.

Here is a list of documents and other items to take with you when you leave. If possible take originals of your own, the children's and joint papers; take photocopies of your spouse's papers:

- Recent pay stubs for both you and your spouse
- Recent credit card statements (yours, your spouse's and joint statements)
- Recent bank statements (yours, your spouse's and joint accounts)
- Cheque books or bank books
- Income tax statements for you and your spouse
- Recent bills (phone bills, electric bills, car repair bills, cable bills, etc.)
- Pension information for you and your spouse
- Savings bonds
- Mortgage or lease and any property deeds
- RRSP papers

- Investment papers
- Car, life and other insurance documents
- Marriage license
- Birth certificates for you, your spouse and any children
- Passports for you, your spouse and any children
- Citizenship papers
- Immigration papers
- First Nation status cards
- Court orders
- Child custody papers
- Health cards
- Social Insurance cards for you and your children (record your spouse's SIN)
- Driver's license for you and copy of your spouse's
- Car registration

It is important to make a list of everything you and your spouse own – furniture, artwork, cars, fishing boats, cottages, property, etc. Write down details, such as the type of car you own and how old it is.

Banks will not give you statements for your spouse's personal bank accounts, credit card accounts or loans. You also won't be able to access information like his pay stubs or employment insurance payment information by calling his employer or the business office. You may want to find a way to get this information before you leave.

Make an Advance Plan

Once you have decided to leave, it is time to start making plans. Relationships change after separation. It is essential that you make a plan to protect yourself financially, legally and emotionally and to prepare for a life independent of your spouse. It could take months to decide issues such as custody and access, division of assets and child support, so it is important that you have a solid plan in place before you and your spouse separate.

Your plan should include where you will live, how you will support yourself and your children and how you will transport yourself and your children. Having a plan will provide some stability at a time when there are many changes. It will help you to tell the children about the separation. It will also prepare and protect you in the months ahead.

You will have to decide if you will tell your spouse about your plans or if you will make plans without your spouse knowing. This is a difficult and often delicate decision. Your spouse could become angry when you tell him you want to separate. Your relationship could become so strained that you will not be able to live together. As a result you could be forced to leave the home immediately, without having time to plan where you will live or how you will support yourself.

Women in abusive situations could put themselves and their children in danger by telling their partner they want to separate. Carefully consider the important decisions and make a plan to support yourself.

Will You Take Your Children?

If you have children, decide if you will take them with you. You and your spouse have equal rights to have the children with you, and your children have the right to spend time with both of you. If you do take the children, you need to begin making arrangements for some sort of agreement with the other parent around custody and visitation.

You cannot move the children out of the province without the other parent's consent. If you decide that your children would be safe and secure staying behind with the other parent, you don't have to take them with you. Leaving the children behind doesn't mean that they can't live with you in the future. But if you don't take your children with you, it can take a long time for the courts to help you get them back and it may be harder to get custody later.

It is important to make a plan to talk with your children about the separation. Depending on your circumstances and the ages of your children you may talk to them with your spouse or on your own, before or after you leave.

If the children are old enough to talk about their feelings, and it is safe to talk to them before you leave, make a plan to tell them what is happening.

Positive Parenting from Two Homes is a cost-free parenting program

providing information sessions, currently offered by the PEI Government. These information sessions are available to parents going through separation or divorce. Parents attend separate sessions.

Positive Parenting From Two Homes "For Kids" is a similar program for children with parents going through separation or divorce. It provides an opportunity for children to talk with others in similar situations.

To register call 368-4333 in Charlottetown or toll-free at 1-877-203-8828.

How Will You Support Yourself?

Consider your financial resources. Do you have a job? Do you receive a pension? Are you receiving social assistance or employment insurance? Do you have credit cards, savings bonds, savings accounts, RRSPs, property? How much money do you currently receive each month? How much money do you have access to? If you are earning your own money, is it enough to support you and your children?

If you and your spouse have not reached an agreement, it could take months to start receiving child or spousal support payments. It could take several weeks to find a job or get social assistance or employment insurance benefits. You must be prepared to support yourself and your children until then. If you don't have a job and don't have any type of income, you must plan how you will support yourself when you leave.

Some possible options:

- Start looking for a job before you leave.
- Save money over a few months in a separate bank account in your name only.
- Withdraw enough money from your joint bank account for you to live for as long as it will take you to get yourself settled. If you don't do this before you leave, your spouse could empty the account after you leave and you will be left with nothing. If the bank account is in your spouse's name only, you won't be able to access any funds.
- Borrow some money from a friend or relative until you get yourself settled.

Women and Credit

You may need access to credit in order to help support yourself and your children once you leave. If you don't already have your own credit rating, it would be helpful to establish your credit rating before you leave so that it will be easier to borrow money from a bank or get a credit card.

Creditors such as banks and credit card companies will provide loans or give credit if you have proven in the past that you pay on time, or you have property and collateral or a reliable source of income.

Some ways to establish a credit rating are:

- Meet with loans officers at various banks or financial companies to get their ideas and eventually establish a relationship of mutual trust with a person at one company.
- Take advantage of credit card companies or store promotions to open an account. Then maintain a positive credit record with them by always making your payments on time and in full.
- Borrow a small amount of money secured by an account. For example, $500 is kept in an account, secured by the bank should they need the money, if you default on payment.

Be sure to make all borrowing decisions based on a realistic monthly budget and if you experience financial difficulty and can't make a payment, contact your creditor immediately to explain your situation and determine a repayment plan.

Credit counselling is available free of charge at some Community Agencies. See page 4 under Community Mental Health for contact information.

For more information on credit, read the booklet, *Credit in PEI: What Every Woman Should Know.* It is available at the PEI Advisory Council on the Status of Women in Charlottetown at 368-4510 or e-mail peiacsw@isn.net. The publication is also available on the PEI ACSW web site at www.gov.pe.ca/acsw.

Social Assistance – Welfare

Social Assistance (welfare) is an option. Depending on your situation it could take some time to process your application and you may need to rely on other resources to support yourself until the application is processed.

Any person in financial need is eligible to apply for Social Assistance. Social Assistance will provide you with money to pay for things such as food, clothing, shelter, household expenses (like cleaning supplies) and personal expenses. In some cases, Social Assistance may provide a limited amount of money for special needs like transportation, babysitting and medical expenses. The amount of money you will receive varies, depending on whether you have children, how many, and their ages.

You may be eligible for Social Assistance even if you have a part-time or full-time job. If your job doesn't pay enough to allow you to pay for the basic necessities of life, you may be able to get help to add to your income.

You can't actually apply for Social Assistance on your own until you move out or your spouse moves out. However, you may want to call the Social Assistance office nearest you before you leave to get some information about your eligibility. If the worker expresses doubts about whether you will be eligible for financial assistance, at least you will know in advance so that you can make other arrangements.

Where and How to Apply for Social Assistance

There are five Social Assistance (Welfare) Offices across PEI:

Charlottetown	368-6440
Summerside	888-8122
Access PEI Montague	838-0700
Access PEI Souris	687-7060
Access PEI O'Leary	859-8800

Phone the office to make an appointment. You will need to provide your Public Health Number. Depending on your situation, it could take up to a week for an appointment. Tell the person on the phone if you are in urgent need. Your situation could be assessed immediately.

Be prepared for the appointment. When you apply for social assistance, you will be expected to:

- Explain why you need assistance
- Give your name and address (You cannot apply as a single parent/single person if you and your spouse are living at the same address)
- Provide identification for you and your children (birth certificate, health card, SIN card, passport, immigration papers, First Nations status card)
- Provide papers about your income and any money you receive (pay stubs, bank statements, etc.)
- Provide papers about your financial need (proof of rent costs, heat bills, light bills, etc.)

When you apply for assistance, you will be expected to answer questions about why you left your relationship, whether there is any possibility of reconciliation and if your spouse is able to provide financial support.

You can be refused social assistance if you have put yourself in financial need by leaving your spouse without a "good" reason. For example, if you left because your relationship was violent, you will probably be eligible for financial help, but if you left because you were unhappy and no longer in love with your spouse, you could be refused social assistance.

The worker will check on all possible resources and support you could get from friends and family. You may be denied Social Assistance if the worker determines that you have not exhausted all possible resources. If you are leaving a relationship where there was some form of abuse, you should be able to get financial help for your immediate needs.

Financial Tips to Protect Yourself

There are several financial matters you will have to take care of when you leave a relationship. There are simple but important steps which will protect you financially. Some won't need to be done until you find a place to live and others shouldn't be done until a few days before or after you actually leave.

Here are some of the things you will need to do:

- If you are expecting a cheque in the mail from an employer or government office such as employment insurance, social assistance, family allowance or Revenue Canada, call as soon as possible and ask them to mail the cheque to your new address, if you have found a place to stay. If you don't have a new place to live yet, have your mail sent to the address of a trusted friend or relative, or make arrangements to pick up your mail at the post office.
- If you have your own money, you may want to open your own bank account and arrange for your cheques to be deposited directly into your personal (not joint) bank account. Then your spouse cannot touch the money.
- At the time of separation, you may be worried that you will be held responsible for debts your spouse runs up after you leave. Normally, you will not be held liable for debts by your spouse after separation. In order to protect yourself financially, send letters to all the banks, financial institutions and credit card companies you and your spouse do business with to notify them of your date of separation. Keep a copy of each letter, and call at a later date to confirm that the letters have been received.
- You should also close joint bank accounts, especially those with a line of credit, and open your own personal bank account. Obtain a statement for joint accounts, mortgages, and all other joint loans as of the date of separation.
- Have your name removed from joint credit card accounts (not just Visa and Mastercard, but others like Zellers or Canadian Tire as well) and obtain your own card. You are responsible for 50 per cent of any debts charged on joint cards during the marriage, but in most cases, not after the date of separation.

If you or your children are covered by your partner's medical or dental plan, check to make sure you are still covered. Your partner will likely continue coverage for the children and you may be able to arrange with your partner that coverage continue for you until you make other arrangements.

Find a Place to Live

Do you have a friend or relative you could live with for the next little while? That could be a good place to start, but it is probably best to make permanent living arrangements for you and your children in advance. There are housing options on Prince Edward Island for families with low incomes, including non-profit housing, cooperative housing and rent supplement programs. You can call Canada Mortgage and Housing Corporation or Provincial Housing to ask about available programs.

Canada Mortgage and Housing Corporation: 566-7336

Provincial Housing offices:

Charlottetown	368-5770
Summerside	888-8433
Montague	838-0796
Souris	687-7098
Alberton	853-8688

If you decide to rent an apartment, be sure to consider:

- Is the apartment safe? Is it a secure building?
- Would you feel safer living on the second floor or higher?
- How much can you afford for rent?
- What will heat and lights cost?
- If you are on social assistance, ask how much is allowed for rent, heat and lights?
- Is the apartment big enough?

- Is it close to work and school?
- Do you want to live alone or share an apartment?
- Would you like to share with a mother and her children?
- Do you need money for a damage deposit? (usually half a month's rent)
- Are you ready to sign a lease?

Make sure you understand the lease before you sign it and keep a copy for your files.

For more information about renting and leases, contact the Director of Residential Rental Property in Charlottetown at 892-3501 or toll-free at 1-800-501-6268.

Decide If You Need a Vehicle

Do you need transportation to get to work? Do you need a vehicle to take the children to school or activities? If you don't have a vehicle, check on bus schedules, the cost of taxis or other transportation in your area. Especially outside Charlottetown, public transportation is limited on Prince Edward Island, so you may need to ask a friend, neighbor, relative or co-worker in advance to ensure you have transportation when you need it. This is especially important if you have an emergency.

Check Your Insurance Coverage

If you plan to use a vehicle owned by you and/or your spouse, call your insurance company to make sure the insurance policy is in your name.

Be sure to do this! It is fairly common in Prince Edward Island for someone to cancel the car insurance on their spouse's vehicle during separation or divorce. Often, they don't find out until it is too late.

Here are some things you should know about your vehicle insurance:

- If the vehicle is owned by your spouse and the insurance is in your spouse's name, the insurance can be cancelled at any time. This can happen even if you are the person who normally drives that car because legally, your spouse owns the car and the insurance contract is in your spouse's name.
- If the vehicle is jointly owned by you and your spouse, but the insurance is in your spouse's name (primary driver), your spouse can cancel the policy at any time without you knowing. If you have been insured as a second driver without your name listed, you can only add your name with your spouse's phone call or signature.
- If the vehicle is jointly owned by you and your spouse and the insurance policy has both your names, your spouse cannot cancel the policy without your written consent.
- If you own the vehicle and the insurance is in your name, your spouse can't cancel your insurance or take the vehicle.

You also have the option of taking your name off any insurance policy if you don't want to be held liable for anything your spouse does while driving a vehicle which is jointly owned by both of you. For example, if your spouse has a history of drinking and driving and both your names are on the insurance policy, you can ask to have your name deleted from the policy. This would mean that you would no longer be covered by the policy, but many people choose this option if they don't use the vehicle, and don't want to be held liable if their spouse is involved in an accident.

If you decide to leave the policy and go on your own, you forfeit any credit from the cancellation; it goes toward the policy. No money is returned.

While you are checking on your car insurance, you may want to ask about your life insurance policy as well. Like car insurance, if the policy is in your spouse's name and you are included as part of the policy, your spouse can have your name dropped from the policy without you knowing. This would leave you without any coverage in the event of your death. If this is the case, you may want to get your own life insurance in your own name.

Since each insurance company is different, it's important to make a list of questions and call to be sure.

Plan Your Moving Day

Every situation is different. In some cases, you may be able to tell your spouse that you want to separate, and your spouse will move out of the home voluntarily. However, if your spouse refuses to leave, you have no legal right to force your spouse to move out if you are married and both own the home. If that is the case, you will have to move. You do not lose your entitlement to half the value of the family home if you move. If you are in a common-law relationship and the home is in both names, your rights to stay in the home are also equal.

If your spouse refuses to leave, there isn't a lot you can do, but here are some options:

You may eventually be able to get a court order granting you "exclusive possession" of the family home, but this could take several weeks or months and there is no guarantee the court will grant your request.

If your relationship is common-law and you own the home (not joint ownership), then you do have the right to insist that your spouse leave.

***If your spouse abuses you physically or emotionally**, you may be able to get an Emergency Protection Order which will allow police to take the abuser out of the home temporarily.*

Prepare for the Worst and Hope for the Best

If you are the one who is moving out, and if you fear your spouse will become angry, plan your move during a time when your spouse is not home. Take everything you need or want. Your spouse could change the locks and refuse to allow you back into the house to collect items you may have forgotten.

Be sure you take enough clothes. For example, if you are leaving in July, be sure to pack your winter clothes because it could take months before you get a separation agreement. Your spouse may not allow you back into the house later to collect more clothes.

Take all your cherished possessions. Take any furniture you want and things like pictures, jewellery, heirlooms, china and children's toys. The court may order you to return some things at a later date, but again, that process could take months.

Also, remember to take items like house and car keys, medicines, personal address books as well as things like your credit cards, bank books and cheque books. Also, remember to take all the important documents you have already gathered. You will need them.

Tell Your Spouse You Are Leaving

You will have to decide what is the best and safest way to tell your spouse you are leaving. You may feel it is better to tell

your spouse before you move out, then discuss possible options. For example, you and your spouse may decide that it is best if your spouse is the one who moves out. Deciding when to tell your spouse is a difficult and often delicate decision. Carefully consider your situation before you decide how to handle it.

Depending on your circumstances, it might be best to do all your planning, actually move out and then tell your spouse. One common option: move out and leave a letter for your spouse from you or your lawyer. Also, leave a list of any items you have taken with you.

Your spouse could become angry when you explain that you want to separate. If you tell your spouse you want to separate before you actually leave, your relationship may become so strained that you are unable to live together anymore. As a result, you could be forced to leave the home immediately, without having the time to make plans.

Some people get abusive when their spouse says they are leaving and you could put yourself and your children in danger by telling your spouse before you actually leave. You will have to decide what is best for you and your children.

If you are the victim of violence *or under the threat of violence, you should contact local police before you leave, inform them of your situation and the date you are planning to leave. Police can advise you on any possible charges against your spouse. For example, police can investigate assaults that occurred two weeks or even two months ago.*

Tell Your Children You Are Leaving

Separation is hard on children, but children who are given information and support usually adjust pretty well. It is important to give children information about why you are separating without blaming the other parent. Reassure them that the separation is not their fault. The most important thing to remember is to not argue and fight with the other parent when the children are listening. Children get caught in the middle of separation and are often used as messengers in communication.

Get support for yourself, so that you can support your children during separation. Let them be neutral and not take sides, and encourage them to love both their parents.

For information about *Positive Parenting from Two Homes*, a parent information program for separating parents, call 368-4333 in Charlottetown or toll-free at 1-877-203-8828.

You've Left – Now What?

You've moved out, told your spouse you want to end the relationship and have started your life without your spouse. It is time to begin official separation/divorce proceedings. Get started as soon as you feel ready, but the sooner the better. These things take time, so the faster you begin, the faster things will get settled.

If you weren't officially married you could still have issues like child support, custody, visitation and division of assets to handle. Although you will never have to officially divorce your former spouse, you will need to negotiate some type of formal separation agreement and, like married women, will need to follow many of the steps set out over the next couple of pages.

Choose a Lawyer

You have probably already visited a lawyer for some preliminary advice, but now it is time to choose who you would like to handle the rest of the separation/divorce arrangements. If you feel comfortable and confident with the lawyer you have already met, then hire that lawyer. Don't feel obligated just because you have already talked to someone. Feel free to shop around when choosing a lawyer and don't be nervous to ask about fees.

Be sure to choose a lawyer who specializes in family law so that the lawyer is aware of current laws about separation and divorce. When choosing a lawyer, cheap doesn't necessarily mean good. Although you have to keep your budget in mind, it is important that you feel comfortable and have confidence in the lawyer's abilities. Check the yellow pages or ask friends or family to recommend someone.

You can also call CLIA's Lawyer Referral

Service for help at 892-0853 or toll free at 1-800-240-9798.

If you and your spouse had a lawyer together, you will need separate lawyers from different law firms for separation and divorce.

About Lawyers' Fees

Lawyers' fees range from approximately $100 to $250 or more per hour. Getting a divorce can cost anywhere from $700 to $25,000 or more, depending on your situation. If you and your spouse can agree on issues like arrangements about the children and division of assets, your costs would be lower. If you and your spouse cannot agree on issues, then lawyers' fees could be high.

Once you choose a lawyer, be sure to get a written estimate of the cost of your legal fees and any other expenses such as court fees and postage. Find out about the lawyer's billing practices and whether you can make a payment plan. The lawyer will probably ask for some money up front at the second visit, so be prepared.

Separation Agreement

Although every situation is different whether you are married or in a common-law relationship, for most people, the next step after separation will be a separation agreement.

A separation agreement is a written contract which sets out things like who the children will live with, how much child support or spousal support will be paid, visitation arrangements and how the family assets will be divided. For example, Will your house be sold? Who gets the car?

You may still be on friendly terms with

your former spouse and you may be able to call or meet with your spouse to decide many of these issues. You can also hire a mediator or use a collaborative law process to help with the agreement. This reduces costs and may avoid having to go to court. Even if you agree on arrangements, the separation agreement should be drawn up by a lawyer to make it legally binding.

If you do not want contact with your former spouse, the lawyer will contact your spouse or your spouse's lawyer and work the issues out. If you still can't agree, a judge in the family court will decide. You are not required by law to get a separation agreement, but it is a good idea because it will set out your and your former spouse's responsibilities in a binding, legal contract.

Do not sign any agreement that has been worked out by your former spouse and your spouse's lawyer without first consulting your own lawyer.

It can take anywhere from six weeks to six months or much longer to get a separation agreement, depending on whether you and your spouse can agree on issues. A separation agreement can cost as little as several hundred dollars if you and your spouse come to a quick agreement, but it could cost thousands of dollars if you can't agree.

Divorce

You, your former spouse, or both of you jointly may apply for divorce after you have been separated for one year. You do not have to wait a year to apply for divorce if you apply on the grounds of adultery or physical or mental cruelty.

Most couples wait for a year because if you apply for divorce on the basis of adultery or cruelty, you have to go to court and prove the accusations, which is often very expensive and stressful.

If you and your former spouse have been able to reach an agreement about all matters relating to the end of your marriage (i.e. arrangements about the children, division of assets), then you do not have to appear in court to get a divorce. You do, however, have to consult a lawyer. A divorce will not be granted until satisfactory arrangements have been made for the support of the children. You are not required to get a divorce; the two of you could decide to remain legally separated and never divorce.

Community Legal Information Association (CLIA) produces a Divorce Kit that provides more information about getting a divorce in PEI.

Contact CLIA for a copy of the Divorce Kit at 892-0853 or toll free at 1-800-240-9798.

While it is true that your separation/divorce will be cheaper and less stressful if you and your former spouse can agree on issues, be wary of giving up any of your rights in order to keep the peace or reduce costs. You may regret the decision later. If you do decide to give up a right, be sure you understand what you are giving up and carefully consider the decision. Again, don't sign any documents without consulting a lawyer.

Mediation

You and your spouse may choose mediation as a way to resolve issues such as where the children live, division of assets, or child support. Mediation is a confidential, voluntary problem-solving process with an impartial mediator who helps you and your spouse negotiate all the issues you face when separating.

Mediators are not family counsellors or therapists. Their purpose is not to bring the family back together, but to ensure that the partners work together to make decisions regarding separation. Mediation is becoming an increasingly popular way for separating couples to resolve issues. It can reduce costs because you often spend less time in the legal process. As well, when people make decisions through mediation they are more likely to want to keep the agreements because they decided on them in the first place.

Mediation is not for all separating couples. The process is voluntary and only couples who are willing to co-operate to find solutions will find mediation effective.

Mediation is not appropriate if there is violence in your relationship. *Fear could prevent you from openly expressing your opinions and could result in you accepting an agreement you are not happy with because of fear.*

You will still need a lawyer if you choose mediation. Any agreement you and your former spouse decide on during mediation must be drawn up by a lawyer and, in the case of a divorce agreement, approved by the courts before it is legally binding. Mediators don't give legal advice, so it is important to have a lawyer as an advisor in the mediation process. By choosing mediation, however, your lawyer's role will be reduced. Don't sign any agreements without consulting a lawyer.

Mediation Options on PEI

Family Court Counsellors

Mediation services are offered through the PEI Family Court. A family court counsellor will help you negotiate a parenting plan, including issues about child support, where the children will live and visitation rights. They do not help to negotiate other issues like spousal support or division of assets. Once you and your spouse reach an agreement with the family court counsellor, you must take it to a lawyer to have it made into a legal agreement.

Family court counsellor offices are in Charlottetown but they travel to other parts of the province. There is no fee for this service.

Family Court Counsellors, McQuaid Family Law Centre, Charlottetown 368-6928.

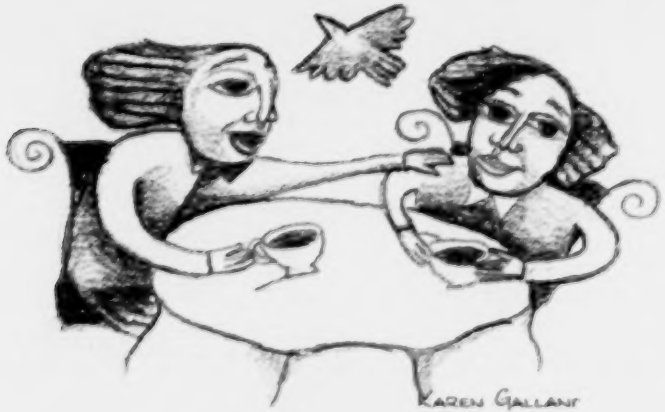
Private Mediators

There are private mediators on Prince Edward Island who will handle all of your separation/divorce issues. The fee for private mediation can range from $80 per hour to $200 per hour or more. The cost is usually shared between both parties and is less expensive than a lawyer's fee or going to court.

For a list of private mediators in PEI, contact:

Family Service PEI, Charlottetown 892-2441 or toll-free at 1-866-892-2441
Conflict Resolution Professionals of PEI web site: www.upei.ca/crppei
Family Mediation Canada web site: www.fmc.ca

You can also get a list of mediators from CLIA 892-0853 or toll-free 1-800-240-9798 or look in the Yellow Pages under "mediation services." As with choosing your lawyer, be sure to find someone experienced in family mediation and ask about fees. Make sure you feel comfortable and confident with the mediator.



What If Your Spouse Harasses You?

Contact the police and inform your lawyer if your former spouse starts calling you repeatedly, showing up at your home or workplace uninvited, following you, or threatening you or your family. Keep a written record of all the contacts your spouse makes with you (include the date, time, what happened and what was said). Keep any recorded phone messages from your spouse and make a list of anyone who witnesses any of the contact your spouse makes with you.

Call the police immediately if you feel threatened or in danger. If the harassment continues, your spouse can be charged. There are a number of court orders that can restrict your spouse's contact with you. Some you can get on your own, but for others you will need assistance from a lawyer or the police.

Even with a court order, you should have a safety plan for yourself and your children in case your spouse disobeys the order.

Restraining Order

One of the first options if your spouse harasses you after you are separated is to get a restraining order from court which will order your spouse not to have any contact with you. To get a restraining order you will need a lawyer. Contact the Family Legal Aid office to see if you are eligible for assistance.

Peace Bond

You also have the option of applying for a peace bond from the court. A peace bond is a legal document which a judge can order your former spouse to sign. It says your spouse must keep the peace, and for example, that your spouse will not harm or threaten you or have any contact with you. It can last for up to one year and can be renewed for longer if necessary. Contact

Victim Services for more information about Peace Bonds.

Before you can get a peace bond, you will have to convince a judge that you have good reason to be afraid of your former spouse. It can take several weeks or even months to get a peace bond and there is no guarantee that your former spouse will obey the bond. However, if your spouse breaks the peace bond, your spouse can be arrested and fined or put in jail. Contact your lawyer or the police to help you apply for a peace bond.

For situations involving family violence, *see Emergency Situations on page 49.*

Contact numbers:

Victim Services, Ch'town	368-4582
Victim Services, S'side	888-8217
Family Legal Aid, Ch'town	368-6043
Family Legal Aid, S'side	888-8219

What If Your Spouse Stops Paying Support?

You can take action if your former spouse stops making child support or spousal support payments as set out in a separation agreement or court order. If your former spouse stops making payments, call and register with the Maintenance Enforcement Office nearest you. Staff of the Maintenance Enforcement Office help people get the support payments they are legally entitled to receive. This service is free of charge.

You will be asked to fill out an information sheet and provide a copy of your court order or separation agreement. If you are unable to travel to the office, the application process can be done by mail.

Once you are registered with the program, staff will begin trying to collect your money. The process of collecting support payments may take some time, so it is important to register with Maintenance Enforcement as soon as possible. The office has a wide variety of powers, including garnishing your former spouse's wages or employment insurance payments, seizing property and assets, garnishing tax refunds, taking your spouse to court and revoking driving privileges. The office has the authority to uphold orders and agreements from other provinces and can help you register your claim in another province if your former spouse moves.

You can also arrange to have your former spouse make required payments through the Maintenance Enforcement Office at 894-0383 if you don't want any contact.

If your spouse is paying support, your spouse must provide income reports each year. If there is a change in income, child support payments may be recalculated. Your spouse may also apply for a variation to reduce payments if income is affected due to unemployment or injury.

Emergency Situations

If you or your children are in immediate danger or under the threat of danger, do something right away.

If You Are Being Attacked

In an emergency situation, don't worry about your possessions or your rights. Just get out.

Leave the location. Go to a neighbour, friend or relative. You may get help by screaming. It may be safer for you to run outside where other people can see and hear you. Try to get to a phone and call the police.

You may not have long to talk on the phone, so try to be clear. Tell them:

- Your name
- That you are being attacked
- The name of your attacker
- That you are afraid you are going to be hurt or you are afraid for your life or your children's lives
- Where your attacker is and if your attacker has a weapon or access to weapons
- If you are afraid of being killed, tell them.

Where to Go

If you can't stay with a friend or relative or won't be safe there, contact Anderson House, a shelter for women and their children who have been physically or emotionally abused or who live in fear of abuse. Anderson House is staffed at all times by women who will respect your decisions, and have a lot of knowledge and experience. Anderson House, is open 24 hours a day, seven days a week, and offers temporary safe shelter, food, support and information, transportation when needed, supportive childcare and a chance to meet other women in similar situations.

The phone number for Anderson House is 892-0960 or toll free 1-800-240-9894.

Transition House Association (of which Anderson House is a part) has Outreach Services which can be contacted through Anderson House or directly during office hours:

Queens	566-1480
West Prince	859-8849
Kings	838-0795
East Prince	436-0517

The length of your stay at Anderson House will depend on your situation, but usually women stay for a couple of weeks. During that time they make decisions and may choose to take steps to live separate from their spouse.

Go to a Doctor

If you have been physically injured, go to a doctor or hospital to make sure you are okay and to document the injuries. The doctor will treat and record your injuries. The medical records may be needed at a later date.

Emergency Protection Order

If you are the victim of physical or emotional violence or the threat of violence, ask the police about getting an Emergency Protection Order. The Order can allow police to remove the abuser from the home, give you temporary custody of the children, order the abuser to stay away from you, your family, and your home for a certain period of time, and give you temporary possession of specific personal property such as a car.

Information on Emergency Protection Orders is available Monday to Friday during office hours at Victim Services in Charlottetown at 368-4582 or in Summerside at 888-8217.

The order can also be obtained 24 hours a day, seven days a week by calling the local police station.

Make an Emergency Plan

If you are not in immediate danger, but your relationship has been violent in the past or has the potential to become violent, make an emergency plan in case you have to leave in a hurry.

If you have to act quickly, you should be prepared. The following questions can help you in preparing your emergency plan:

- Where can you go in an emergency? You will need somewhere safe.
- If you need to go to Anderson House, do you have a way to get there?
- How will you get to your safe place? Can someone come and get you? Can you take a car or taxi?
- Do you have emergency phone numbers programmed into your phone or listed near the phone?
- Do your children know which neighbour to run to or who to call in an emergency?
- Have you spoken to your neighbours or people you can trust? Have you let them know about your situation so they can be watching out for you?
- If you have to leave, is there someone you can call to tell what is happening and where you are going?
- Do you have some money set aside? You may need emergency taxi fare.
- Have you packed an emergency bag in case you need to leave quickly? Include what you and your children would need for a few days. You can leave it with a friend if you have to.
- If you have been abused before, have you made the police fully aware of the situation?
- Is there someone you can leave your pets with?
- Have you called Anderson House or an outreach worker in your community? You may want to work out a plan with them, so they know who you are if you have to call them in a crisis.

Some Last Words

This booklet has given you some practical ways to protect yourself and your children emotionally, financially and legally during times of separation and divorce. What you decide to do with this information is up to you.

If you have any questions about any of the information in this booklet, please contact the organizations listed. You can also call the PEI Advisory Council on the Status of Women at 368-4510. If the staff cannot answer your questions, they will give you the name and number of someone who can.

Important Contact Information

Aboriginal Women:

Aboriginal Women's Assoc of PEI, Charlottetown	892-0928
Aboriginal Women's Assoc of PEI, Lennox Island	831-3059
Native Women's Association of Canada, Toll free	1-800-461-4043

Child and Family Services:

Charlottetown	368-5330
Summerside	888-8100
Montague	838-0724
Souris	687-7063
O'Leary	859-8811

Community Mental Health:

Charlottetown	368-4430
Summerside	888-8180
Montague	838-0782
Souris	687-7110
Alberton	853-8670

Community Counselling Agencies:

Catholic Family Services, Charlottetown	894-3515
Web site	www.catholicfamilyservice.ca
Family Service PEI, Charlottetown	892-2441
Family Service PEI, Summerside	436-9171
Web site	www.familyservice.pe.ca

Divorce Law Information:

Department of Justice Canada toll-free	1-888-373-2222
Web site	www.canada.justice.gc.ca

Family Violence:

Anderson House	892-0960
Toll free	1-800-240-9894

Family Violence Outreach Services:

Queens	566-1480
West Prince	859-8849
Kings	838-0795
East Prince	436-0517

Housing:

Canada Mortgage & Housing Corporation	566-7336

Housing Offices in PEI:

Charlottetown	368-5770
Summerside	888-8433
Montague	838-0796
Souris	687-7098
Alberton	853-8688
Director of Residential Rental Property	892-3501
Toll free	1-800-501-6268

Legal Information:

Community Legal Information Association of PEI	892-0853
Toll free	1-800-240-9798
Family Law Info Line (Spousal Support Guidelines)	1-888-373-2222
Legal Aid, Charlottetown	368-6043
Legal Aid, Summerside	888-8219

McQuaid Family Law Centre:

Main line, Charlottetown	368-6292
Maintenance Enforcement Office, Charlottetown	894-0383
Administrative Recalculation Office, Charlottetown	368-4109
Child Support Guidelines Office, Charlottetown	368-6220
Child Support Guidelines Office, Summerside	888-8188
Family Court Counsellors' Office, Charlottetown	368-6928

Mediation:

Family Court Counsellors' Office	368-6928
Community Legal Information Association	892-0853
Family Service PEI	892-2441
Toll free	1-866-892-2441
Conflict Resolution Professionals of PEI	web site: www.upei.ca/crppei
Family Mediation Canada	web site: www.fmc.ca

Parenting Programs:

Positive Parenting from Two Homes (for Kids)	368-4333
Toll-free	1-877-203-8828
Cap Enfants, Wellington	854-2123
CHANCES, Charlottetown	892-8744
CHANCES, Stratford	367-6744
Families First, Montague	838-4600
Kids West, Alberton	853-4066
Kids R First Family Resource Centre, S'side	436-1348
Main Street Family Resource Centre, Souris	687-3928
Mi'Kmaq Family Resource Centre, Ch'town	892-0928

Pensions:

Income Securities Programs	1-800-277-9914
TTY	1-800-255-4786

Social Assistance Program Offices:

Charlottetown	368-6440
Summerside	888-8122
Montague	838-0700
Souris	687-7060
West Prince	859-8800

Victim Services Offices:

Charlottetown	368-4582
Summerside	888-8217

Other Resources:

And They Lived Happily Ever After...Rights and responsibilities of common law partners. (2004) published by the Province of Nova Scotia. Available on the provincial web site at http://women.gov.ns.ca

The Business of Breaking Up: Your Personal Guide. (2006) by Bhairvi Johnson, Farquharson Publishing. Calgary: AB. See also the web site at www.breakingupguide.com

What is a good relationship/Une bonne relation, c'est quoi? Information booklet published by the Association des femmes acadienne et francophones de 'Î.-P.-É.

Worksheets
(To Prepare for Meeting with the Lawyer)

Fill out this section before you go to the appointment.

When did you and your partner get together?

When did you get married or start living together?

List the names of people living in your family and their dates of birth.

Who usually takes care of the children, under what circumstances (for example, if the child was ill and you and your spouse both had jobs outside the home)?

Is there any history of violence or abuse? When, what type?

What is the financial status of you and your spouse?

If you are already separated, are there any problems around visits? What kinds of problems? When?

What is your partner's mother's maiden (birth) name?

What is your partner's social insurance number (SIN)?

How long have you lived in PEI?

Take notes on this section at the meeting so you will have the information when you leave the lawyer's office.

What are my options for how to proceed? ...through court?

...not through court?

Is mediation a possibility for me?

What other information do you need from me?

What is the process - where do we go from here?

How long might it take?

How can I prepare and protect myself in the early stages of separation?

What about custody and access to the children?

What should I expect in terms of access my spouse might get?

What about maintenance and child support?

What about property rights? Can I live in the family home?

In my situation what should I expect?

What are your fees?

How much will it cost?

How can I pay you?

NOTES

PRINCE EDWARD ISLAND
Advisory Council on the Status of
WOMEN

For additional copies of Moving On contact:

PEI Advisory Council on the Status of Women
Box 2000, Charlottetown
Prince Edward Island C1A 7N8
Phone: 902 368-4510
Email: peiacsw@isn.net
Website: www.gov.pe.ca/acsw